

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SSI TECHNOLOGY, INC.,

Plaintiff/Counter-Defendant,

Case No. 13-12672

vs.

HON. GEORGE CARAM STEEH

COMPAERO, INC.,

Defendant/Counter-Plaintiff.

ORDER GRANTING IN PART DEFENDANT'S MOTION TO COMPEL [DOC. 20]

This matter has come before the court on defendant Compaero's motion to compel plaintiff SSI Technology to pay the balance owing on the court-ordered shipment of parts, plus other sanctions. The issue has been fully briefed, and the court is familiar with the facts and arguments surrounding the issues presented. The court does not believe that oral argument would aid in the resolution of the pending motion.

On August 8, 2013, the court granted plaintiff's motion for a temporary restraining order, requiring defendant to ship parts to plaintiff. Plaintiff, in turn, was required to post a surety bond and pay for the parts in full, cash on delivery. After receiving notice that a bond had been posted, defendant shipped the goods as ordered by the court. The price for the shipment was \$114,141.80. The shipper selected by defendant would only accept \$99,000.00 in cash on delivery. The balance of \$15,141.80 remains unpaid by plaintiff and is the subject of this motion. While plaintiff suggests that part of the shipment was defective or deficient in some way, it did not

tender a list of missing or defective parts, nor did it reject the shipment in whole or in part.

The court finds that plaintiff is in violation of the court's August 8, 2013 order.

Now, therefore,

IT IS HEREBY ORDERED that plaintiff pay defendant \$15,141.80 on or before December 24, 2013.

IT IS HEREBY FURTHER ORDERED that plaintiff pay defendant's attorney fees incurred in bringing the motion to compel. Defendant may submit a bill of costs substantiating said attorney fees.

IT IS HEREBY FURTHER ORDERED that all other relief sought by defendant is DENIED without prejudice.

So ordered.

Dated: December 18, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 18, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk